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ONE HUNDRED SIXTH CONGRESS

# Congress of the United States

## House of Representatives

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July 12, 1999

### BY FACSIMILE

The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Director Lew:

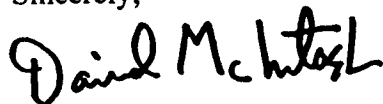
This letter comments on the Office of Management and Budget's (OMB's) July 2, 1999 response to the May 27th followup questions sent after the May 20th joint House/Senate hearing on "Global Climate Change: The Administration's Compliance with Recent Statutory Requirements."

OMB's answers are revealing in many ways. First, in response to Question 1b, OMB admits that performance measures for some of the Administration's new climate change programs "have yet to be developed." This is unacceptable if the Administration wants Congress to consider funding them in Fiscal Year (FY) 2000. Second, in response to Question 2a, OMB did not provide the total level of funding for all climate change programs and activities for each of the next four outyears, i.e., for FY 2001 through FY 2004. This is also unacceptable since Congress needs to understand the possible outyear cost associated with its FY 2000 budget decisions on climate change, especially because of the magnitude of the requested increase. Third, in response to Question 5b, OMB did not provide any criteria to ensure that OMB's regulatory review respects the statutory limitation in the 1999 VA-HUD Appropriations Act. This is unacceptable, especially for any regulations that have more than "incidental (or ancillary) effects" on greenhouse gas emissions.

Fourth, in response to Questions 6a and 6b, OMB astoundingly admits that it conducted its search in response to a Congressional subpoena by "oral discussions among staff" and "no written directions." Did OMB have oral discussions with each OMB staff member for each of the 44 line item budget accounts to conduct a thorough search of all climate change documents received, reviewed, or sent by them? If not, why not? In any case, are "oral discussions among staff" OMB's standard operating procedure for response to Congressional subpoenas? If not, please describe what is OMB's standard operating procedure.

Whether or not Congress should follow the Administration down a policy road that leads ultimately to the Kyoto Protocol and the regulation of America's energy economy is a very serious issue. The questions Senator Nickles and I submitted to you on May 27th deserve commensurately serious answers. The answers EPA has provided to questions 2a, 6c, 10b, 13a, and 13b are not acceptable. Please provide responsive answers to those questions. The responses should be delivered to the House Subcommittee staff in B-377 Rayburn House Office Building by no later than July 15, 1999. I will be sending you additional questions in a separate communication in response to other parts of EPA's June 23rd letter. If you have any questions, please contact Staff Director Marlo Lewis at 225-1962.

Sincerely,

A handwritten signature in black ink that reads "David McIntosh". The signature is written in a cursive, slightly slanted style.

David M. McIntosh  
Chairman  
Subcommittee on National Economic Growth

cc. The Honorable Dan Burton  
The Honorable Dennis Kucinich